

On this sad occasion, I extend my condolences to his family, to his many friends, and to all of us who served with him. We will not forget his legacy.

Madam President, I yield the floor.

The PRESIDING OFFICER. The Senator from Ohio is recognized.

#### IRAQ SUPPLEMENTAL

Mr. BROWN. Madam President, recently we learned the Ohio National Guard could face early redeployment. We learned the National Guard is being asked to train without the proper equipment. Our Guard will do the job well regardless of the circumstances, but it is wrong to send them to Iraq with incomplete training and inadequate equipment and with insufficient downtime.

The supplemental passed today echoes what many of us in Congress and military families across the country have been saying: We need a new direction for Iraq. Make no mistake, we take a backseat to no one in supporting the brave men and women fighting in Iraq. We absolutely support their families. However, more of the same is not a plan for our troops and will not end this war in Iraq. This war has made our world and our country less safe. The Iraq war has cost 142 Ohioans their lives. It has wounded another 1,000 Ohioans.

Congress will continue to fight for our Nation's military by working to see they have the resources and support they need and leadership they deserve. The supplemental did that today. The supplemental fully funds and fully supports our troops, while establishing conditions that will bring our troops home. It provides desperately needed funding to the VA, something the President simply has not asked for, to help care for the hundreds of thousands of new veterans created by this war.

In the Veterans' Committee yesterday, we heard from families about tragedy after tragedy, from families who have lost loved ones in this war, who didn't get the proper care from the VA because of underfunding, who didn't get the proper direction when they returned home from Iraq because the White House simply did not schedule in the way they should have the kind of help for returning Iraqi veterans. If the President won't take responsibility for those failures and lead our troops home, then Congress must. We owe it to our soldiers, sailors, air men and women, our marines, and especially to their families.

The President should listen to the military leaders and listen to the American people and work with Congress to change course in Iraq instead of threatening vetoes. I hope the President reads this legislation before he makes his final determination whether to sign it or whether to veto it. Vetoing this legislation would deny funding that our military needs and that our veterans desperately need,

such as \$99 billion in emergency Department of Defense spending—\$4 billion more than the President requested; \$3 billion for mine-resistant, ambush-protected vehicles; \$4.8 billion in military construction in part to fund BRAC—\$3.1 billion will go to funding the BRAC 2005 account, and we know all over the country how important that is; and \$1.6 billion for individual body armor.

The President and the Pentagon and civilian leaders of this country have fallen shamefully short in their failures to provide the body armor for our troops. We have all heard too many stories. I have heard them in Steubenville and Toledo and Dayton about soldiers' families telling us they didn't have the proper body armor they needed.

The VA would get \$1.7 billion more than the President's VA proposal. We know the VA is underfunded at least that much. They have increased only about 10 percent in terms of employees but have a workload of returning Iraqi war veterans of at least 2.5 times that number. There is \$39 million in our supplemental budget for polytrauma-related funding. There is \$10 million for blind veterans programs. There is \$100 million—and this is essential—for VA mental health services and \$25 million for prosthetics. None of those did the President include in his request, and none of those have we prepared for properly in the previous Congress and in the White House.

When we add up the numbers and we see 3,300 soldiers and marines in our country have lost their lives in the Iraq war, when you understand the tens of thousands of injuries, we see that our VA is simply not prepared. They are not prepared for this year and next year, let alone for the 50 years down the road when taxpayers are going to be taking care of these deserving veterans, giving the kind of care that we should be providing. We are going to see we are not prepared over the next 50 years to do that, either for health treatment or for treatment of mental health injuries.

In addition to the Iraq spending and the spending for our Nation's returning veterans, there are other things in this emergency spending bill, as there were in Republican bills in the past, drafted by the White House, passed by the Republican House and Senate. There is other crucial emergency spending that needs to be dealt with: \$1.3 billion for Katrina relief, \$100 million for FEMA and emergency management performance grants, \$425 million for securing rural schools, \$13 million for mine safety. We have seen some of the most dangerous times in our Nation's mines in the last couple of years. There is \$625 million for pandemic flu response, something public health authorities warn us about every week or so here. There is \$400 million for LIHEAP to take care of deserving elderly and indigent who simply cannot afford their heating and cooling bills and another

\$683 million for emergency relief grants—all that this Congress needs to do.

The President has set our Nation on a path that leads in the wrong direction in Iraq and fails to meet the needs of our returning veterans. It is time to change paths. I ask again that the President of the United States read this bill, understand this bill, and understand how the supplemental bill addresses the needs our country faces in the years ahead.

Madam President, I yield the floor and suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. CARPER. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### SEPARATION OF POWERS

Mr. CARPER. Madam President, the Founders of our country did not believe in monarchy. They put up with one king for a while and didn't want to have to put up with another one down the line. Meeting in Philadelphia about 220 years ago, about 30 miles from my home in Wilmington, DE, our Founding Fathers did not invest all power over national affairs in our national destiny in the hands of any one person. Rather, they created a separation of powers. They created, as we all know, three co-equal branches of Government.

I don't sit down every day or night and actually open the Constitution and read it. But every now and then I think a review of some of it and its parameters is instructive. For those who take the time—particularly looking at the debate we have had in recent days on whether it is appropriate for us to provide some guidance and expression with respect to the expenditure of these moneys in the supplemental appropriations, especially in Iraq—it is helpful to look at the Constitution and get a sense of what our Founding Fathers had in mind.

In looking at article II in this copy of the Constitution, section 2, there is about a sentence where it talks about the power of the President. This is what it says:

The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the several States, when called into the actual Service of the United States.

That is what it says. You can go back a couple pages before that to article I, section 8, and our Founding Fathers talk about the powers and responsibilities of the legislative branch in this regard. Here is what it says, in part:

The Congress shall have the power To . . .

Then there are all kinds of things listed, such as lay and collect taxes, borrow money, regulate commerce, and so forth, with foreign nations. It also says the Congress shall have the power:

To declare War, grant Letters of Marque and Reprisal and make Rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of Money to that Use shall be for a longer term than two years;

To provide and maintain a Navy;

To make Rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia to execute the Laws of the Union, suppress Insurrections and repel Invasions;

To provide for organizing, arming, and disciplining the Militia, and for governing such Part of them as may be employed in the Service of the United States.

It goes on and on.

The point I am trying to make is that the Constitution makes it clear that there is a division of responsibility, a sharing of responsibilities. Part of it lies with the executive branch, and a great deal lies with the legislative branch. For those of us who are trying to figure out which is the right side to come down on with respect to these issues, keep in mind the words of the Constitution.

When it comes to charting our Nation's course in Iraq, all three branches of Government do have responsibilities. For the President to go to war in Iraq, he had to come to us in Congress for approval, for authorization. Now, to continue that war he has had to come back to the Congress each and every year to request and receive approval for more funding.

Both Congress and the Supreme Court have exercised oversight over this President's war policies—Congress through oversight hearings, and the Supreme Court through rulings on constitutional questions concerning the detention and interrogation of prisoners. That Congress act as a coequal branch of Government, and not a rubberstamp for decisions made by the President, is what the Founding Fathers wanted in 1787. I believe it is what most of the American people want today. It was, in part, because Congress failed in recent years to exercise adequate oversight over the President's policies in Iraq that the American people went to the polls last November and demanded a change in this body and in the folks in the House of Representatives.

Let's not debate today, at this moment, whether Congress has a role to play in charting our course in Iraq. We do. Let's not kid ourselves that Congress can meet its responsibilities in this regard by continuing to rubberstamp the decisions of the President.

The President has come to Congress once again to request continued funding for the war in Iraq. To put matters in the most basic of terms, Congress has three options: We can say yes, we can say no, or we can say yes, but.

To simply to say yes, after U.S. policy and conditions on the ground have drifted in the wrong direction for more than 3 years, I believe would be to abdicate our responsibility as a coequal branch of Government.

To simply say no, when we have troops on the ground in harm's way,

would be a betrayal of the very Army this Congress is charged by the Constitution to raise and support.

The responsible action is to respond to the President's request by saying yes, but. It is to provide our troops with the support they need to perform their assigned mission but at the same time to exercise our power as a coequal branch to begin to change the nature of that mission.

The first part of our response to the President—funding the troops—should not be controversial. I don't believe it is in this body. The President has requested the funding. We are providing that funding for our troops. Indeed, we are not only providing what the President requested, we are making some additions, particularly to improve the care of the wounded when they come home.

The second part of our response to the President—seeking a change in the nature of our mission in Iraq—should not be controversial either.

There is an old saying: The definition of insanity is doing the same thing over and over again and expecting different results. We have been approaching the challenges we face in Iraq in essentially the same manner now for close to 4 years. Over that time, conditions on the ground have grown progressively worse. It is clearly time that we change our approach.

Last year, the minority in Congress called for such a change. In response, the American people, the voters of this country, made that minority in Congress last year a majority this year. That majority—this majority—has a responsibility to the people who elected us and who pay our keep to follow through and demand change from the President, from the executive branch.

The changes that we seek are not sudden nor are they rash. They reflect the sober assessments and the unanimous recommendations of the bipartisan Iraq Study Group, cochaired last year ably by Jim Baker, a prominent Republican, and former Representative Lee Hamilton, a highly regarded Democrat who also served as Vice Chair of the 9/11 Commission.

The Iraq Study Group said we need to make it clear to the leaders of the various factions in Iraq that we are not going to be there forever. That is the first message we are sending with this legislation.

The President, and some around him, equate this with surrender. But his own Secretary of Defense, Secretary Gates, said otherwise last week. He said the fact that Congress is beginning to send this message to the leadership in Iraq is having a beneficial effect on the ground in Iraq. His words, not mine.

Last year the Iraq Study Group said a political settlement between the factions in Iraq is needed to quell the sectarian violence. The legislation Congress will send to the President today or tomorrow establishes benchmarks by which Congress and the American people can measure the progress of the

administration and the leadership in Iraq toward achieving this political settlement.

The Iraq Study Group said that a diplomatic settlement is needed among Iraq's neighbors to ensure regional stability. The legislation Congress will send to the President this week creates a window of opportunity, while our forces are transitioned to a new mission for a regional diplomatic offensive aimed at containing Iraq's sectarian violence and preventing a broader regional conflict.

The President does not want to change the mission in Iraq. I believe he wants to do more of the same. The bipartisan Iraq Study Group rejected that approach, the American people have rejected that approach, and now the Congress of the United States is rejecting that approach.

For all who wonder what this debate is really about, it comes down to two points—one a point of agreement, the other a point of disagreement.

On one point, the Congress and the President do agree that we should support the troops. The way to support the troops is for Congress to pass this bill and I believe for the President to sign it. The funding is all there.

On one point, Congress and the President disagree. Congress wants to begin to change the mission in Iraq. Unfortunately, the President apparently wants to do more of the same. We disagree on the second point of whether the time has come for a change. The question is whose view should ultimately prevail. The answer is the will of the American people should prevail. They are the ones paying for this war, not only with their dollars, they are paying for it by sending their sons and daughters to fight, in some cases to be wounded, in some cases to die in this war. As they told us loudly and clearly at the ballot box last fall, the American people want a change. Provide our troops with the support they deserve and provide the American people with the change they demand.

I realize the conventional wisdom around here is the President will veto this bill, he will send it back to us, and then we will all get serious about hammering something out that can become law.

With all due respect, Mr. President, this legislation should become law. I urge you to drop your veto threat, pick up your pen, and sign it.

Madam President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DURBIN. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

#### VIRGINIA TECH SHOOTINGS AND KOREAN AMERICANS

Mr. DURBIN. Madam President, the shootings last week at Virginia Tech